

to govern themselves. Did anyone ever question that? It was granted to them by charter, by the General Assembly. Their representatives came here and asked for that right. That right was given to them by the people through the General Assembly.

That is what I am interested in, rights, and why should I pay any attention to the members of Montgomery County or Baltimore City telling what should happen in Worcester County, especially Ocean City, as long as there has been no discrimination as to American rights.

They have rights to schools, they have rights to votes, they have rights to the protection of the police, and they have the rights of everyone else, and there has been no mention of discrimination.

The only thing the people of Ocean City say is "Give us the right to have our own elections and how they should be held." Is it not strange that the residents of Ocean City have elected their mayor, who happens to be a resident of Ocean City, and he has pleaded apparently before this Committee to leave them alone. They have a right to be governed by their own dictates, or are we going to force the government that we think that they should have on them?

I hope this amendment is defeated.

THE CHAIRMAN: Delegate Mentzer.

DELEGATE MENTZER: I would like to cite the examples of two municipalities, in support of the minority recommendation. One is the Ocean City, New Jersey, and this would include Atlantic City, Cape May and Asbury Park, that have the same problem with the resort areas that we have in Maryland, and there is no provision in New Jersey for non-property owners to vote in municipal elections.

The other example is closer to home, Upper Marlboro, the County Seat of Prince George's County. There, non-resident property owners can vote if they were registered before December 31, 1965. Now, I presume the intent of this is that as these non-resident voters die or sell their property, the control would remain with the municipal residents.

I would like to move this along a little faster and I would support the minority report.

THE CHAIRMAN: Delegate Gill.

DELEGATE GILL: I would like to ask a question of Delegate Koss.

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Cardin.

DELEGATE CARDIN: Mr. Chairman, I would like to cite the case in the Supreme Court, 371 U. S. 206, 1962. In 1962 the Supreme Court of Georgia, a three-judge court, held that property owners who owned realty in a municipality and who resided in a county outside the municipality had the right to vote in the elections of the municipality along with the residents of such a municipality.

The case was appealed to the Supreme Court and that year the Supreme Court affirmed the decision of the lower court and the ruling was that the municipality's charter provision permitting non-resident property owners to vote was within the legislative power.

It held that "the constitutional limitations on qualifications for voting could be supplemented by the General Assembly" and it continues, but I think this bears out the point.

We are not restricting the right to vote, we are extending the right to vote. The Supreme Court has recently ruled that this is an extension which the constitution and General Assembly may give to the municipalities and I feel that in this sense, we would be denying those municipalities the right.

However, we are not insisting that any municipality that refuses this need accept it, and I think this is the basis on which we must view this.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Koger?

DELEGATE KOGER: Mr. Chairman and ladies and gentlemen, I would like to speak in support of the amendment.

I believe for Maryland to adopt anything other than this amendment would mean that they would be walking backwards into the future.

Now, in many states there are qualifications that may vary in detail but, basically, they are similar in almost every state: a requirement of American citizenship, legal age, and certain residence requirements. We naturally would have to have residence requirements because we must be familiar with political conditions